

FILED
CLERKS OFFICE
UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2004 MAY 26 P 12: 22

CHARLES J. SENIOR, et al.

Plaintiffs

v.

NSTAR ELECTRIC AND GAS
CORPORATION and
COMMONWEALTH GAS COMPANY,

Defendants.

*
*
*
*
*
*
*
*

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No. 04-10160-EFH

JOINT STATEMENT OF PLAINTIFF AND DEFENDANTS

Pursuant to Local Rule 16.1, the Plaintiffs and Defendants hereby submit a Joint Statement in anticipation of the Scheduling Conference on June 1, 2004:

A. Statement of Plaintiffs

1. Plaintiffs propose that discovery be completed by November 15, 2004 and that summary judgment motions be filed no later than December 15, 2004.

2. Plaintiffs state that the facts of their case are materially different from those in Utility Workers Local 369 v. NSTAR Electric and Gas Corporation, Civil Action No. 03-10530-EFH and that the result should be different.

B. Statement of Defendants

Defendants maintain that pursuant to this Court's Memorandum and Order, dated May 12, 2004, in Utility Workers, Local 369, et al. v. NStar Electric and Gas Corporation, Civil Action No. 03-10530-EFH, the Complaint in this action should be dismissed with prejudice, and that no discovery should be undertaken. The Plaintiffs' Complaint raises the same allegations against Defendants which were asserted in Civil Action No. 03-10530-EFH.

C. Certification of Parties

Plaintiffs' certification will be submitted at the Scheduling Conference.

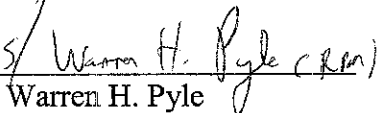
Defendants' certification is submitted herewith.

Respectfully submitted,

CHARLES J. SENIOR, et al.,

By their Attorneys,

PYLE, ROME, LICHTEN
& EHRENBERG, P.C.
18 Tremont Street, Suite 500
Boston, MA 02108
(617) 367-7200

By: 
Warren H. Pyle
B.B.O. # 408400

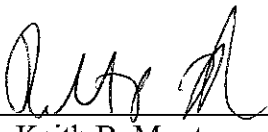
Dated: May 26, 2004

Respectfully submitted,

NSTAR ELECTRIC AND GAS
CORPORATION and COMMONWEALTH
GAS COMPANY,

By their Attorneys,

MORGAN, BROWN & JOY, LLP
One Boston Place
Boston, MA 02108-4472
(617) 523-6666

By: 
Keith B. Muntyan
B.B.O. #361380
Robert P. Morris
B.B.O. #546052

Dated: May 26, 2004